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Remarks:

*Regarding the rejection of claims 1-10 and 12 under 35 USC 103(a) in view of US in view of U.S. Patent No. 6,669,763 to Ghodoussi et al. (hereinafter "Ghodoussi") in view of EP 0392316 to Leacock:*

The applicants thank the Examiner for withdrawing the prior rejection of all prior claims in view of the combined Ghodoussi and Leacock references.

*Regarding the rejection of claims 1-10 and 12 under 35 USC 103(a) in view of US 2003/109395 to Neumiller (hereinafter "Neumiller"), in view of U.S. Patent No. 6,669,763 to Ghodoussi et al. (hereinafter "Ghodoussi"), in further view of EP 0392316 to Leacock (hereinafter "Leacock").*

The applicant traverses the Examiner's ground of rejection in view of the combined Neumiller, Ghodoussi and Leacock references.

The Examiner is respectfully reminded that applicants had previously amended the independent claim to comprise the transitional term "... *consisting essentially of*.." which incurs specific limitations as to the scope of the claimed invention. See MPEP, Section 2111.03. which in pertinent part reads:

The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials or steps "and those that do not materially affect the basic and novel characteristic(s)" of the claimed invention. *In re Herz*, 537 F.2d 549, 551-52, 190 USPQ 461, 463 (CCPA 1976) [...] "A 'consisting essentially of' claim occupies a middle ground between closed claims that are written in a 'consisting of' format and fully open claims that are drafted in a 'comprising' format." *PPG Industries v. Guardian Industries*, 156 F.3d 1351, 1354, 48 USPQ2d 1351, 1353-54 (Fed. Cir. 1998). See also *Atlas Powder v. E.I. duPont de Nemours & Co.*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *In re Janakirama-Rao*, 317 F.2d 951, 137 USPQ 893 (CCPA 1963); *Water Technologies Corp. vs. Calco, Ltd.*, 850 F.2d 660, 7 USPQ2d 1097 (Fed. Cir. 1988).

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In the present rejection the Examiner introduces the Neumiller reference as against the claims of the invention.

The applicants have also amended their independent claim to include the further limitation of: "... characterized in that no silicone compounds are present in said liquid composition." Support for this limitation is found in the applicant's specification, specifically (and with reference to the published application US 2005/0202190) at paragraph [0005] thereof. Applicants can exclude an embodiment from the claims as its description constitutes a sufficient disclosure for such exclusion, adding no new matter to the application. See *In re Driscoll*, 195 USPQ 434, 438 (CCPA, 1977); *In re Johnson and Farhham*, 194 USPQ 187, 196 (CCPA, 1977), *Daniels and McCombie v. Daum and Clarke*, 214 USPQ 911, 916 (Bd. Pat. Int. 1982)

Reference is made to the amended claims presented in this paper, which are believed to fully distinguish over the Neumiller reference. As noted from para. [0017] of Neumiller, essential constituents of Neumiller's compositions include "(a) a surface modification agent selected from the group consisting of: (i) a hydrolyzed trialkoxysilane in an amount of from about 0.0001 to about 10.0 percent by weight of the formulation and (ii) a hydrolysable quaternary silane in an amount of from about 0.0001 to about 10.0 percent by weight of the formulation; ..."

With respect now to the currently amended claims, the presence of silicone containing compounds has now been expressly excluded from the claimed compositions. Support for this limitation is found in the applicants specification, *inter alia* at para. [0005], [0026] of the published specification. Thus, it is believed that the Examiner's reliance upon the Neumiller reference is inappropriate in view the currently presented claims.

The applicant directs the Examiner's attention to applicant's published specification, specifically to the examples therein which disclose two different liquid compositions used to impregnate wipes, a first according to "Formula A" in accordance with the invention, and a second according to "Formula B" which contains a silicone containing

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composition, Rhodorsil EIP (a poly(dimethylsiloxane) containing preparation) which second liquid composition falls outside of the scope of the presently claimed invention. The Examiner's attention is further directed to the test results reported, which reads as follows:

[0074] The average of the experiments are shown in Table 1 below.

Test Method	Average Score - 0 to 4 (0 = no marking, 4 = severe watermarking)
Wipe A	0.66
Wipe B	1.24
Wipe C	3.34
Untreated surface	1.15

[0075] The results show that pre-treatment of a surface by wiping with pre-moistened Wipes A showed an excellent preventive effect in relation to water staining. The surface treated with Wipes B, in which the composition contained a small loading of a silicone compound instead of a wax emulsion, showed a markedly lower effect than Wipes A in preventing white water stains, and slightly increased water staining compared with an untreated surface. Wipe C, believed to have a much higher silicone loading, showed considerably increased water staining, in these tests.

Thus, it is prima facie evident that the inclusion of even a small amount of the poly(dimethylsiloxane) containing preparation, of which only a portion of which was a poly(dimethylsiloxane) compound resulted in a nearly two-fold deterioration of the surface appearance as compared to the Formula A composition. Such a result was surprising to say the least, as poly(dimethylsiloxane) containing compositions are widely used in such applications, as evidenced by Neumiller, as well as believed to be present in the "Wipes C" in the Pledge® cleaning wipes (ex. SC Johnson & Son.) also used in comparative testing and reported in applicant's specification. As noted above, the surfaces tested with Wipes C performed much more poorly than Wipes A. Thus, the

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absence of silicone compounds is contrary to the customary practice in the relevant field, and provides unexpectedly good, i.e., a synergistic benefit, to treated surfaces.

With regard now to Ghoudoussi, at page 3 of the Office Action the Examiner states:

Neumiller is silent with the use of a wax in the formulation for cleaning a surface and a moist wipe.

Ghoudoussi discloses a composition that can be applied to multiple surfaces including wood (col. 3 lines 11-14). The composition comprises at least one wax, at least one surfactant, and between 40% to 99.8% water (col. 4 lines 58-61). The wax component can be paraffin wax (col. 6 lines 33-36). The total wax present can vary from 0.01% to 50% of the total weight of the composition (col. 5 lines 66-67), but preferably from 0.01% to 10% of the total weight of the composition (col. 6 lines 1-2). The emulsion contains levels of silicon in the levels of 0% to 5% of the total weight of the composition (col. 6 lines 14-20). Ghoudoussi discloses that the nonionic surfactants can be alkyl alcohols having 4 to 20 carbon atoms (col. 8 lines 1-7).

The applicant traverses the Examiner's rejection of the claims in view of the combination of the Neumiller and Ghoudoussi references. The Examiner's proposed combination of Ghoudoussi merely adds a "wax" to Neumiller's composition which, as an essential constituent, necessarily comprises "(a) a surface modification agent selected from the group consisting of: (i) a hydrolyzed trialkoxysilane in an amount of from about 0.0001 to about 10.0 percent by weight of the formulation and (ii) a hydrolysable quaternary silane in an amount of from about 0.0001 to about 10.0 percent by weight of the formulation; ..." which is a silicone compound, and a material which is expressly excluded from applicant's claimed invention. Thus, it is the applicant's position that the combined Neumiller and Ghoudoussi references neither anticipate, nor render the applicant's currently claimed invention as being obvious.

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Turning now to Leacock, at pages 3 - 4 of the Office Action the Examiner states:

Ghoduoussi is silent with regards to the cleaning composition being disposed on a sheet material.

Leacock discloses a wiper for one step polishing and protecting of a hard surface such as wood (abstract). The wipe comprises a non-woven substrate impregnated with a liquid polish composition (abstract). The wipe comprises a suitable non-woven material having good wet strength and fluid absorbency (pg. 3 line 24). The amount of liquid composition loaded onto the wipe is within the range of instant applicant (examples 1-6). The composition is loaded onto the substrate by procedures well known in the art such as by spraying or immersion (pg 6 lines 32-36). The sheets should be packaged in a manner, which will maintain them in a moist condition. They may be individually packaged in moisture impervious envelopes or packaged in bulk form in canisters provided with suitable dispensing openings (pg. lines 14-19). Leacock gives reference to U.S. Pat. No. 4,017,002, which discloses an airtight container for an elongated web of perforated wet impregnated tissue-like material, the web being free-flowing, having a minimum friction within the container and provides a removable cap adapted to form a tight fit with the container (pg. 6 line 19).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the paraffin wax of Ghoduoussi with the cleaning formulation of Neumiller, because the wax forms a water repellant film (Ghoduoussi col. 6 lines 32-33), which would aid in a protective barrier for a hard surface sought after in Neumiller.

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It would be obvious to one of ordinary skill in the art at the time of the invention that a cleaning wipe could be formed using the same impregnation techniques but with various types of cleaning compositions. Therefore, it would be obvious to combine the cleaning composition of the combination of Neumiller and Ghodoussi with the method of production of Leacock to form a wipe that provides a layer that is water-resistant to reduce the formation of water stains on wood surfaces in an affordable and convenient fashion such as a disposable wet wipe (Ghodoussi col. 3 lines 6-10).

The applicant traverses the Examiner's rejection of the claims in view of the combination of the Neumiller and Ghodoussi references, in further view of the Leacock reference. The Examiner's proposed combination of Ghodoussi merely adds a "wax" to Neumiller's composition which, as an essential constituent, necessarily comprises "(a) a surface modification agent selected from the group consisting of: (i) a hydrolyzed trialkoxysilane in an amount of from about 0.0001 to about 10.0 percent by weight of the formulation and (ii) a hydrolysable quaternary silane in an amount of from about 0.0001 to about 10.0 percent by weight of the formulation; ..." which is a silicone compound, and a material which is expressly excluded from applicant's claimed invention. The additional consideration of Leacock does not change this essential feature of the Neumiller compositions as, application of Neumiller's composition to a wiper as might be suggested by Leacock does not change the Neumiller composition in any way, and such would still deposit a silicone compound onto a surface. The addition of a wax as is arguably suggested by Ghodoussi does not alter Neumiller's composition as discussed above. In any case, as the applicants have pointed out in their specification the inclusion of a silicone compound imparts a deleterious effect to treated surfaces, as is highlighted in comparing the technical performance characteristics of applicant's recited "Formula A" and (comparative) "Formula B" compositions. Thus, even when additionally considering Leacock either with Neumiller alone, or jointly in further combination with Ghodoussi, does not anticipate, nor render the applicant's currently claimed invention as being obvious.

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In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

#### PETITION FOR A TWO-MONTH EXTENSION OF TIME

The applicant respectfully petitions for a two-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this Petition.


#### CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

  
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Enclosures – Request for Continued Examination